



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,369	07/10/2003	Steven McCanne	019599-000320US	6737
73006	7590	12/13/2007		
Robert G. Crockett 2111 Jefferson Davis Hwy. #1005S Arlington, VA 22202			EXAMINER CLOUD, JOIYA M	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,369

Applicant(s)

MCCANNE ET AL.

Examiner

Joiya M. Cloud

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-26, and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/20/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed October 24, 2007, a Request for Continued Examination. Claims 16, 18-26 and 28-36 are presented for examination.

Priority

2. Examiner acknowledges Applicant's priority claim of provisional application filing date of June 1, 1999.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 16-25 and 36** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims may be directed towards software only, which is functional descriptive material, which per se is not statutory.

Exemplary Claim 16 is directed towards a processing agent which may be directed towards software not implemented on a computer-readable medium. Furthermore, claim 16 recites the language "is operable to" in lines 4, 6, 8, 10, and 11 which denotes only the capability

to perform the steps thereafter (i.e. "logic that is operable to disseminate one or more entries" does not necessarily disseminate one or more entries). As such, claim 16 and depending claims are rejected for producing no tangible result. Likewise, **Claim 36** is rejected for similar reasons of producing no tangible results.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 16, 18-26 and 28-36** are rejected under 35 U.S.C. 102(e) as being anticipated by Haggerty et al. (U.S. Patent No. 6, 331, 983 B1, hereinafter Haggerty).

As per **claim 16**, Haggerty discloses a processing agent for processing data at a node in a data network, wherein the data network connects a plurality of nodes and at least a portion of the plurality of the nodes form a multicast group the processing agent comprising: a data store that is operable to store a plurality of entries associated with the multicast group (**Abstract, col. 7, lines 53-59, col. 8, lines 4-16**), wherein each identifies a source that published the entry (**col. 20, lines**

59-67 and col. 8, lines 12-16); logic that is operable to disseminate the plurality of entries to members of the multicast group (**col. 8, lines 4-16**); logic that is operable to receive, from a node that is not a member of the multicast group, a request to run a query (**col. 14, lines 29-36**), wherein the query specifies matching criteria (**col. 8, lines 17-26**); logic that is operable to run the query against the entries in the data store (**col. 8, lines 57-67**); and logic that is operable to disseminate one or more entries that satisfy the matching criteria to the node that is not a member of the multicast group (**col. 8, lines 57-67 and col. 22, lines 12-28**).

As per **claim 18**, Haggerty teaches a processing agent further comprising logic that is operable to add a first entry to the plurality of entries in the data store in response to a request from a first node to add the first entry (**col. 7, line 53-59**).

As per **claim 19**, Haggerty teaches a processing agent wherein the logic that is operable to disseminate is further operable to automatically disseminate the first entry to the plurality of the nodes that form the multicast group in response to the request from the first node to add the first entry to the plurality of entries (**col. 8, lines 27-37**).

As per **claim 20**, Haggerty teaches a processing agent further comprising logic that deletes a first entry of the plurality of entries in the data store in response to a request from a first node to relinquish the first entry (**col. 18, lines 12-17**).

As per **claim 21**, Haggerty teaches a processing agent further comprising logic that is operable to indicate, to the plurality of the nodes that form the multicast group, that the first entry has been relinquished, wherein the indication is in response to the request from the first node to relinquish the first entry (**col. 18, lines 12-17**).

As per claim 22, Haggerty teaches a processing agent wherein the source that published the entry is not a member of the multicast group (**col. 14, lines 31-36 and col. 8, lines 12-16**).

As per claim 23, Haggerty teaches a processing agent wherein the source that published the entry is a member of the multicast group (**col. 8, lines 12-16**).

As per claim 24, Haggerty teaches a processing agent wherein each entry is associated with a priority that specifies its delivery priority relative to other entries (**col. 17, lines 30-38**).

As per claim 25, Haggerty teaches a processing agent further comprising logic to indicate that the processing agent has been designated as a rendezvous node in the multicast group, wherein designation as the rendezvous node indicates that the processing agent is to disseminate the plurality of entries to members of the multicast group (**col. 20, lines 59-67 and col. 8, lines 12-16**); receiving a request from a node that is not member of the multicast group to run a query against the entries stored at the processing agent, wherein the query specifies matching criteria; and disseminating one or more entries that satisfy the matching criteria to the node that is not member of the multicast group (**col. 8, lines 17-44**).

As per claim 26, claim 26 is substantially the same as claim 1 and is thus rejected using similar rationale.

As per claim 28-34, claims 28-35 lists all the same elements of claims 18-24, but in method form rather than apparatus form. Therefore, the supporting rationale of the rejection to claims 18-24 applies equally as well to claims 28-35. Furthermore regarding, asynchronously notifying the particular node of a modification to a first entry; wherein the asynchronously notifying the particular node is performed in response to the source that published the first entry modifying the first entry (**col. 28, lines 60-65**).

Application/Control Number:
10/618,369
Art Unit: 2144

Page 6

As per claim 36, claim 36 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

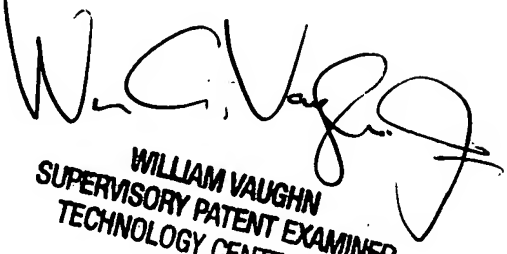
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William C. Vaughn

Supervisory Patent Examiner

December 7, 2007


**WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**